

MESSAGE NO: 9197205 MESSAGE DATE: 07/16/2009

MESSAGE STATUS: Active CATEGORY: Antidumping  
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐  
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE 3357202  
MESSAGE #  
(s):

CASE #(s): A-580-839

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 05/01/2008 TO 04/30/2009

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: AUTOMATIC LIQUIDATION INSTRUCTIONS FOR CERTAIN POLYESTER STAPLE FIBER FROM KOREA (A-580-839), ALL FIRMS EXCEPT HUVIS CO.; SAEHAN IND.; WOONGJIN CHEM.

MESSAGE NO: 9197205

DATE: 07 16 2009

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REFERENCE: 3357202

REFERENCE DATE: 12 23 2003

CASES: A - 580 - 839

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PERIOD COVERED: 05 01 2008 TO 04 30 2009

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: AUTOMATIC LIQUIDATION INSTRUCTIONS FOR CERTAIN POLYESTER STAPLE FIBER FROM KOREA (A-580-839), ALL FIRMS EXCEPT HUVIS CO.; SAEHAN IND.; WOONGJIN CHEM.

1. COMMERCE DOES NOT AUTOMATICALLY CONDUCT ADMINISTRATIVE REVIEWS OF ANTIDUMPING DUTY ORDERS. INSTEAD, REVIEWS MUST BE REQUESTED PURSUANT TO SECTION 751(a)(1) OF THE TARIFF ACT OF 1930, AS AMENDED, AND IN ACCORDANCE WITH SECTION 351.213 OF COMMERCE'S REGULATIONS.

2. COMMERCE HAS NOT RECEIVED A REQUEST FOR AN ADMINISTRATIVE REVIEW OF THE ANTIDUMPING DUTY ORDER FOR THE PERIODS AND ON THE

MERCHANDISE LISTED BELOW, EXCEPT FOR THE FIRMS NOTED.  
THEREFORE, IN ACCORDANCE WITH SECTION 351.212(c) OF COMMERCE'S  
REGULATIONS, YOU ARE TO ASSESS ANTIDUMPING DUTIES ON  
MERCHANDISE ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR  
CONSUMPTION AT THE CASH DEPOSIT OR BONDING RATE IN EFFECT ON  
THE DATE OF ENTRY.

PRODUCT: CERTAIN POLYESTER STAPLE FIBER  
COUNTRY: REPUBLIC OF KOREA  
CASE NUMBER: A-580-839  
PERIOD: 05/01/2008 THROUGH 04/30/2009

LIQUIDATE ALL ENTRIES FOR ALL FIRMS EXCEPT:

COMPANY: HUVIS CORPORATION  
CASE NUMBER: A-580-839-004

COMPANY: SAEHAN INDUSTRIES INC.  
CASE NUMBER: A-580-839-013  
COMPANY: WOONGJIN CHEMICAL CO. LTD.  
CASE NUMBER: A-580-839-017

3. THERE ARE NO INJUNCTIONS APPLICABLE TO THE ENTRIES COVERED  
BY THIS INSTRUCTION. INJUNCTION COVERED BY MESSAGE 3357202,  
DATED 12/23/2003 WAS DISSOLVED ON 08/11/2004 BY COURT DECISION.  
SEE CONSOLIDATED TEXTILES, INC. V. UNITED STATES, 28 C.I.T. 1304;  
346 F. SUPP. 2D 1290; SLIP OP. 2004-101 (CIT 2004).

4. ENTRIES OF MERCHANDISE OF EXCEPTED FIRMS SHOULD NOT BE  
LIQUIDATED UNTIL YOU RECEIVE SPECIFIC INSTRUCTIONS AFTER THE  
COMPLETION OF THE ANTIDUMPING REVIEW. CONTINUE TO SUSPEND  
LIQUIDATION OF ALL ENTRIES OF MERCHANDISE EXPORTED OR PRODUCED  
BY THE LISTED FIRMS AND ENTERED, OR WITHDRAWN FROM WAREHOUSE,  
FOR CONSUMPTION DURING THIS PERIOD.

5. NOTICE OF THE LIFTING OF SUSPENSION OF LIQUIDATION OF  
ENTRIES OF SUBJECT MERCHANDISE DURING THE PERIOD 05/01/2008  
THROUGH 04/30/2009 OCCURRED WITH THE PUBLICATION OF THE NOTICE

OF INITIATION OF ADMINISTRATIVE REVIEW FOR THE 05/2009  
ANNIVERSARY MONTH (74 FR 30052, 06/24/2009).

ON 08/20/2008, THE DEPARTMENT DETERMINED THAT WOONGJIN CHEMICAL CO. LTD. IS THE SUCCESSOR-IN-INTEREST TO SAEHAN INDUSTRIES INC. THEREFORE, SINCE WE ARE REVIEWING ENTRIES BY BOTH COMPANIES DURING THE PERIOD OF REVIEW, WE ARE NOT LIQUIDATING ENTRIES FOR THESE COMPANIES.

FOR ALL OTHER SHIPMENTS OF CERTAIN POLYESTER STAPLE FIBER FROM THE REPUBLIC OF KOREA YOU SHALL, UNLESS OTHERWISE INSTRUCTED, CONTINUE TO COLLECT CASH DEPOSITS OF ESTIMATED ANTIDUMPING DUTIES FOR THE MERCHANDISE AT THE CURRENT RATES.

6. THE ASSESSMENT OF ANTIDUMPING DUTIES BY CBP ON SHIPMENTS OR ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CBP PAY INTEREST ON OVERPAYMENTS, OR ASSESS INTEREST ON UNDERPAYMENTS, OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES.

THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED ANTIDUMPING DUTIES BEFORE THE DATE OF PUBLICATION OF THE ANTIDUMPING DUTY ORDER. INTEREST SHALL BE CALCULATED FROM THE DATE PAYMENT OF ESTIMATED ANTIDUMPING DUTIES IS REQUIRED THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

7. UPON ASSESSMENT OF ANTIDUMPING DUTIES, CBP SHOULD REQUIRE THAT THE IMPORTER PROVIDE A REIMBURSEMENT STATEMENT AS DESCRIBED IN SECTION 351.402(f)(2) OF COMMERCE'S REGULATIONS. THE IMPORTER SHOULD PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION OF THE ENTRY.

IF THE IMPORTER CERTIFIES THAT IT HAS AN AGREEMENT WITH THE MANUFACTURER, PRODUCER, SELLER, OR EXPORTER, TO BE REIMBURSED ANTIDUMPING DUTIES, CBP SHOULD DOUBLE THE ANTIDUMPING DUTIES IN ACCORDANCE WITH THE ABOVE-REFERENCED REGULATION.

ADDITIONALLY, IF THE IMPORTER DOES NOT PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION, CBP SHOULD PRESUME REIMBURSEMENT AND DOUBLE THE ANTIDUMPING DUTIES DUE.

8. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT THE OFFICE OF AD/CVD OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577 RESPECTIVELY (GENERATED BY O1: EM).

9. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

CHRISTINE FURGASON

## Company Details

\*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party